

ELECTION OF SPECIES REQUIREMENT

The Examiner has requested an election of species from each of the following groups:

A. The various modes of administration:

1. Administration to skin
2. Administration to mucous membrane
3. Administration to an oral cavity

B. The various microbe-caused diseases:

Microbe disease caused by viruses

Microbe-caused disease – bacterial

Microbe-caused disease – fungal

Microbe-caused disease – microbe-infected dermatose

Microbe-caused disease is pyoderma

Microbe-caused disease is folliculitis

Microbe-caused disease is impetigo

Microbe-caused disease is erysipelas

Microbe-caused disease is mycose or mold infection

Microbe-caused disease is tinea

Microbe-caused disease isotopic dermatitis

Microbe-caused disease is microbial eczema

Microbe-caused disease is chronic eczema of hands

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Microbe-caused disease is psoriasis

Microbe-caused disease prurigo

Microbe-caused disease acne

Microbe-caused disease is of a viral disease of a mucous membrane

Microbe-caused disease is aphthae

Microbe-caused disease is herpes labialis

C. The various forms in which the Coriander is used:

(solution, spray, tincture, oil-in-water emulsion, water-in-oil emulsion)

(ointment, lotion, cream paste or a powder),

(chewing mass, chewing gum, cellulose film, film stop, candy, and pastille),

Coriander is used in a pure form.

ELECTION

In order to be responsive to the restriction requirement, Applicants elect, with traverse,

- A. Administration to skin
- B. Microbe-caused disease – microbe-infected dermatose
- C. Solution, spray, tincture, oil-in-water emulsion, water-in-oil emulsion.

Currently at least claims 48, 49, 54, 60-62 and 65-71 read on the elected species.

TRAVERSE

Applicants respectfully submit that an election of species requirement is inappropriate in this case.

In particular, even if one were to assume, *arguendo*, that the species set forth in instant Election of Species Requirement are distinct, the requirement should be withdrawn because there is no serious burden.

In MPEP Chapter 800, the Office sets forth its policy by which examiners are guided in requiring restriction under 35 U.S.C. § 121. Section 803 states that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

In this regard it is pointed out that it is apparent that a search for one species of a given group is virtually coextensive with the search for another species of the same group or would at the very least cover many areas which are also relevant for the other species.

Merely by way of example, a search for an emulsion will cover many areas which are also relevant for lotions and ointments.

Thus, the search burden would not be serious.

For the above reasons alone, the present Election of Species Requirement should be withdrawn, which action is respectfully requested.

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Should there be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
Matthias AUGUSTIN et al.

/Heribert F. Muensterer/

Heribert F. Muensterer
Reg. No. 50,417

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191